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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,243	09/28/2001	Etsuo Kiuchi	P107242-0002	2638

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ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

8

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,243

Applicant(s)

KIUCHI ET AL.

Examiner

M Rachuba

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-107 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33, 41, 44, 47, ⁵⁰ and 59 is/are rejected. R
- 7) ☒ Claim(s) 35, 37, 53 and 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/08/01</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 32,34,36,38-40,42,43,45,46,48,49,51,52,54,55,57,58 and 60-107.

DETAILED ACTION

Election/Restrictions

1. Claims 32, 34, 36, 38-40, 42, 43, 45, 46, 48, 49, 51, 52, 54, 55, 57, 58 and 60-107 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 5.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 33 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tanaka et al, 5,718,620, as set forth in the Office action mailed September 23, 2003.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 41 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al '620 in view of Morimoto et al 5,127,196, as set forth in the Office action mailed September 23, 2003.

6. Claims 44, 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al '620, as set forth in the Office action mailed September 23, 2003.

Allowable Subject Matter

7. Claims 35, 37, 53 and 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed December 22, 2003 have been fully considered but they are not persuasive.

9. Applicant's argue that '620 does not disclose the invention as set forth in claim 1, in that '620 does not provide the benefits or structure discussed by the specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., shorter distances between the table surface and cooling water flow path) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). If applicant means to argue that '620 does not explicitly teach forming the table by casting, applicant is reminded that while functional language in apparatus claims directed to how the apparatus is made is always considered, such limitations are not given patentable weight. As '620 shows the structure claimed, the examiner considers that the apparatus is anticipated by '620.

10. The rejection based on 35 USC 103 of '620 over Jimbo et al has been overcome. Claims 35, 37, 53 and 56 have been objected to, but would be allowable if amended to include all the limitations of the base and intervening claims.

11. Applicant further argues that '196 does not teach the claimed range of temperature control of the table to be 10 degrees Celsius or less, or that the workholder has holes for adhering the work to the holder by vacuum, in that a mere recitation that a vacuum is used does not teach that the holder has holes. The examiner disagrees. '196 discloses that "the temperature of table 20 is maintained at approximately 10 degrees Celsius...". This clearly meets applicant's claimed limitation of "temperature changes at any position of a polishing surface of a polishing cloth in polishing action are controlled to 10⁰C or less...". By maintaining the temperature of the table at "approximately 10 degrees Celsius" '196 is within the range of "10⁰C or less" as claimed by applicant. Regarding applicant's argument that the presence of a vacuum to hold the wafer to the holder does not indicate the presence of holes in the workholder plate, the examiner again disagrees. '196 discloses "the backside of the substrate 23 is *held in contact with the bottom of carrier 24* by vacuum...". In order for the back of the substrate to be in contact with the bottom of the carrier by vacuum there must be openings in the carrier to allow a negative pressure to be developed between the surface of the substrate and the surface of the plate. This is a clear teaching to provide '620 with such a holding means, to prevent slippage of the wafer relative to the holding plate.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning the content of this communication or earlier communications from the examiner should be directed to M. Rachuba whose telephone number is (703) 308-1361. The examiner can normally be reached on Monday through Friday from 8:30 AM to 4:00 PM. Any inquiries concerning other than the content of this and previous communications, such as missing references or filed papers not acknowledged, should be directed to the Customer Service Representative, Tech Center 3700, (703) 306-5648.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (703) 308-2687. The fax phone number for this Group is (703) 872-9302.

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In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

M. RACHUBA
PRIMARY PATENT EXAMINER
ART UNIT 3723

mtr
March 30, 2004

A handwritten signature in black ink, appearing to be 'M. Rachuba', written over the printed name and title.